

REMARKS

This application pertains to a novel two-layer pressure-sensitive adhesive, comprising two PSA layers joined to each by either direct contact of each layer with the other or by direct contact of each PSA layer with a primer layer between them.

Claims 1-13 are pending. Claims 4 and 5 have been withdrawn from consideration as drawn to non-elected subject matter, so that the claims under examination are claims 1-3 and 6-13.

Applicants respectfully request that upon allowance of claims drawn to the elected subject-matter, the claims drawn to the non-elected subject-matter be rejoined.

The claims have been amended to provide that the first and second layers are in contact with each other or that one is anchored to the other by a primer layer. Support for each layer being in contact with the other is found at page 17, lines 12-13, where it is taught that layer B can be applied from solution to layer A, or from the melt; and at page 17, lines 19-20 where it is taught that the layers are brought together in a coextrusion process simultaneously with an extrusion die. Support for one of the layers being anchored to the other by a primer is found at page 6, lines 22-23, where it is taught that layer A may be anchored to layer B by way of a primer. No new matter is added.

Claims 1-3 and 6-13 stand rejected under 35 U.S.C. 102(b) as anticipated by Schumann European Patent Office 1,308, 492, taking Husemann U.S. 6,958,186 as a corresponding English-language counterpart.

Applicants have previously pointed out that the Husemann reference pertains to a three-layer pressure-sensitive adhesive tape, having a single layer of a pressure-sensitive adhesive (A) bonded to one side of a carrier layer (B), and a second single layer pressure-sensitive adhesive (C) bonded to the second side of carrier layer (B) and that Husemann accordingly discloses two individual single-layer pressure-sensitive adhesives.

Applicants' claims, by contrast, pertain to a two-layer pressure-sensitive adhesive, having a first pressure-sensitive adhesive layer joined to a second pressure-sensitive adhesive layer. Applicants explained that this is completely different than anything that can be learned from the Husemann reference, in that Husemann's individual pressure-sensitive layers are each joined to separate sides of a carrier layer, and not to each other as they are in Applicants' invention.

In response, the Examiner argues that the term "joined" is not explicitly defined in the application, and that he interprets the expression "In one preferred embodiment of the PSA of the invention layers A and B are joined to one another by means of physical or chemical pretreatment of layer A" found on page 3, lines 18-19 to mean that the term "joined" encompasses PSA having layers A and B connected by other layers present on the PSA.

In view of the Examiner's interpretation of the aforementioned language, Applicants' have now amended their claims to more clearly define the joinder of the two

layers as being either by contact of one layer with the other, or that one is anchored to the other by a primer. This language precludes the presence any layer between the two adhesive layers, other than a primer layer.

Applicants' claims are now therefore clearly distinguished from anything that could be learned from the Husemann reference, which requires a carrier layer between the two adhesive layers. Further, nothing in Husemann would suggest elimination of the carrier layer and placing the two adhesive layer in contact with each other, either directly or through a primer.

Applicants' claims cannot therefore be seen as anticipated or suggested by the Schumann/Husemann reference, and the rejection of Applicants' claims under 35 U.S.C. 102(b) as anticipated by Schumann European Patent Office 1,308, 492, taking Husemann U.S. 6,958,186 as a corresponding English-language counterpart should now be withdrawn.

In view of the present amendments and remarks it is believed that claims 1-13 are now in condition for allowance. Reconsideration of said claims by the Examiner is respectfully requested and the allowance thereof is courteously solicited. Should the Examiner not deem the present amendment and remarks to place the instant claims in condition for allowance, it is respectfully requested that this Amendment Under Rule 116 be entered for the purpose of placing the prosecution record in better condition for appeal.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Appellants request that this be considered a petition therefor. Please charge the required petition fee to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fee or credit any excess to Deposit Account No. 14-1263.

Respectfully submitted,
NORRIS, McLAUGHLIN & MARCUS, P.A.

By / William C. Gerstenzang/
William C. Gerstenzang
Reg. No. 27,552

WCG/tmo
875 Third Avenue- 8th Floor
New York, New York 10022
(212) 808-0700